

THE UNITED STATES OF AMERICA)
ex rel. STEPHEN BACHERT)

Defendant.

Civil Action No.: 1:16-cv-456 (TSE/JFA)

AMENDED PROPOSED JOINT DISCOVERY PLAN

Plaintiff-Relator Stephen Bachert and Defendant Triple Canopy, Inc. by and through their respective undersigned counsel, submit the following Amended Proposed Discovery Plan in accordance with FRCP Rule 26(f), EDVA Local Civil Rule 26(A), and the Court’s October 13, 2017 Scheduling Order (ECF No. 51) (the “Scheduling Order”).

Counsel for Plaintiff-Relator and Defendant conferred on August 4, 2017 regarding the matters set forth in FRCP Rule 26(f) and to discuss the nature and basis of their claims and defenses. Counsel later agreed to amendments of the Proposed Discovery Plan to bring the plan into compliance with the Court's Scheduling Order. Counsel have discussed the possibilities for a prompt settlement or resolution of the case, and have agreed that settlement is not likely at this time.

The parties have agreed to the following discovery arrangements:

1. The parties exchanged initial disclosures required by FRCP Rule 26(a)(1) on August 18, 2017. There were no changes in the form and requirements for the disclosures under FRCP Rule 26(a)(1).

2. The parties will conduct discovery on all subjects related to the issues raised in the pleadings. Discovery will not be conducted in phases. The parties agree that discovery will be completed on or before Friday, January 12, 2018.

3. The parties agree that electronic documents will be produced during the course of discovery in their native format whenever possible. The parties shall confer to attempt to resolve any issues that may arise regarding the production of documents and electronically stored information. If an agreement cannot be reached regarding such issues, the party seeking production may petition the Court for an order compelling production under the applicable Federal and Local Rules of Civil Procedure.

4. Pursuant to Fed. R. Civ. P. 26(b)(5), the parties agree that they will assert claims of privilege/protection through the use of privilege logs. The logs will set forth: (i) a description of any privileged document/thing to include any identifying number/label; (ii) its date (if known); (iii) author (if applicable) if known; (iv) its recipient(s), if any; and (v) the basis for the assertion of privilege/protection. Any such log(s) tendered shall accompany any document production from which the responsive documents are being withheld.

5. The parties agree that the limits set by the Court for the number of interrogatories for each party do not need to be amended at this time.

6. At this time, while reserving their respective right to file motions to modify this number, the parties agree that the five (5) deposition limit set by the Court for non-party, non-expert depositions is adequate.

7. The parties will make any expert witness disclosures required by FRCP Rule 26(a)(2) in accordance with EDVA Local Civil Rule 26(D).

8. The parties agree to move the Court, pursuant to EDVA Local Civil Rule 5, for an appropriately tailored Stipulated Protective Order in the event that confidential or proprietary information must be disclosed in public filings.

9. The parties do not anticipate requiring exceptions from the Court's normal scheduling procedures regarding the joinder of parties, amendment of pleadings, or filing of motions.

10. The parties agree that discovery requests or other papers not served via ECF may be served on counsel of record by means of email provided that all exhibits and attachments to same are included.

11. At this time, the parties do not consent to the trial being conducted by a magistrate judge.

12. No party shall dispute the authenticity of any document that party provides to any other party in this matter unless there are reasonable grounds for doing so.

Dated: October 27, 2017

/s/ Catherine E. Creely

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 27, 2017, I electronically filed this document through the ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Catherine E. Creely